

Appl. No. : 10/753,064
Filed : January 6, 2004

REMARKS

Claims 1 through 5 stand rejected. Applicant has amended Claims 1 through 5 and added new Claims 6-20. Thus, Claims 1 through 20 are pending in the application and are presented for reconsideration and further examination in view of the amendments and the following remarks. Applicant is further submitting Replacement Sheets for Figures 1 through 22D.

Corrections to the Figures

A careful review of the figures identified inconsistencies between Figures 22C and 22D. Applicant has submitted Replacement Sheets for Figures 22C and 22D. With respect to Figure 22C, Applicant removed the right most spline from the connector body 34 in Figure 22C to be consistent with Figure 22D. No new matter has been added due to this change to the figures. Applicant is also submitting formal drawings for Figures 1 through 22B. Applicant respectfully requests the entry of the amendment.

Rejection under §35 U.S.C. §102(b) over Swauger (U.S. Patent No. 5,413,562)

The Examiner rejected independent Claims 1 and 5 as anticipated by U.S. Patent No. 5,413,562 to Swauger. Applicant respectfully submits that the amendments to these claims further distinguish the recited retainer from the applied art.

Claim 1

Amended Claim 1 is directed to a securement system that includes, among other elements, "a pair of longitudinally opposed abutment surfaces, each of which is formed on one of the proximal and distal end portions and being disposed between a distal end and a proximal end of the retainer, the abutment surfaces generally facing each other." The applied art fails to disclose at least the recited structure.

U.S. Patent No. 5,413,562 to Swauger discloses a stabilizing fitting for securing a syringe body adjacent to a venipuncture site. The retainer in Swauger includes "a frusto-conical first portion 40 which extends from one end of the retainer 18 to a shoulder 42, and a generally cylindrical second portion 44 which extends from another end of the retainer to the shoulder 42. The retainer 18 further includes a pair of spaced-apart hollow projections 46 and 48 which extend radially outwardly from the second portion 44." (col. 4, lines 4-11). As is illustrated in Figures

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6a and 6b of Swauger, the abutment surface 42 cited by the Examiner does not have an opposing abutment that faces the surface 42.

Claim 5

Amended Claim 5 is directed to a retainer that includes, among other elements, “a pair of walls disposed between the proximal and distal end portions, at least a portion of one of the walls having a lateral width less than the first and second lateral widths” with “at least one of the pair of walls being laterally movable relative to at least one of the pair of longitudinally opposed abutment surfaces so as to receive at least a portion of the medical device between the abutment surfaces.” The applied art fails to disclose at least the recited structure.

In view of the amendments to Claims 1 and 5, Applicant respectfully requests reconsideration of Claims 1 and 5. Dependent Claims 2-4 each depend from independent Claim 1 and thus is patentable for at least the same reasons that support the allowance of Claim 1.

New Claims 6 through 20

New independent Claims 9 and 13 have been added. Claim 9 recites, *inter alia*, “a pair of walls disposed between the proximal and distal end portions, at least a portion of one of the walls having a lateral width less than the first and second lateral widths,” “the walls being deflectable away from a central axis of the channel,” and “a pair of longitudinally opposed abutment surfaces, each of which is formed on one of the proximal and distal end portions, the abutment surfaces generally facing each other.” Applicant respectfully submits that the applied prior art fails to disclose at least the recited structure.

New independent Claim 13 recites, *inter alia*, “a medical device” having “at least first and second axially extending splines disposed on and extending from the tubular body, the second axially extending spline having a longer longitudinal length than that of the first axially extending spline.” Claim 13 further recites, *inter alia*, “a retainer” having “a pair of longitudinally opposed abutment surfaces, each of which is formed on one of the proximal and distal end portions, the abutment surfaces generally facing each other and being spaced longitudinally apart from each other by a distance that generally corresponds to the longitudinal length of the second spline of the tubular body.” Applicant respectfully submits that the applied

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prior art fails to disclose at least the recited structures. Consideration and allowance of new independent Claims 9 and 13 are respectfully requested.

Applicant respectfully submits that new dependent Claims 6-8, 10-12, and 14-20 depend from independent Claims 5, 9, and 13 and are allowable over Swauger for at least the reasons stated above in connection with the respective independent claim.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejection set forth in the outstanding Office Action is inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve any such issue promptly.


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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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